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Practitioner's Docket No. 57657/04-265

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Lai  
Application No.: 10/826,929  
Confirmation No.: 1334  
Filed: 04/16/2004  
For: DNA Vaccine Expressing HA1 of Equine-2 Influenza Virus  
Group No.: 1642  
Examiner: Unknown

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

**List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1. Timing of Statement (with any required certifications)
2. Preliminary Statements
3. Forms PTO-1449 (Modified)

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 22, 2004

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office (703) \_\_\_\_-\_\_\_\_.

  
Signature

Luz C. López  
(type or print name of person certifying)

(Transmittal of Information Disclosure Statement  
Within Three Months of Filing or Before Mailing of First Office Action—page 1 of 3)

4. Comments on References
5. Identification of Person(s) Making This Information Disclosure Statement

#### **Section 1. Timing of Statement (with any required certifications)**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

#### **Section 2. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

#### **Section 3. Form PTO-1449 (Modified)**

Attached.

#### **Section 4. Comments on References**

None.

#### **Section 5. Identification of Person Making This Information Disclosure Statement**

The person making this certification is:

- a. the practitioner who signs below on the basis of the information in the practitioner's file.

No additional fee is believed to be due. However, if any fee is made payable by the filing of this paper, please consider this our authorization to charge the deposit account of the undersigned, Deposit Account No. 06-0540.

Respectfully submitted,

10/22/04  
DATE

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SIGNATURE OF PRACTITIONER

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PATENT  
Attorney Docket No.: 57657/04-265  
FORM 1449  
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<b>FORM PTO-1449 (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	Attorney Docket No.: 57657/04-265 <hr/> Applicant(s): Lai <hr/> Title: DNA Vaccine Expressing HA1 of Equine-2 Influenza Virus <hr/> <div style="display: flex; justify-content: space-between;"> <span>Serial No.: 10/826,929</span> <span>Filing Date: 04/16/2004</span> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <span>Group: 1642</span> <span>Examiner: Unknown</span> </div>
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### U.S. PATENT DOCUMENTS

Examiner Initials		Document No.	Date	Name	Class	Subclass
	AA	4,619,827	10/28/1986	Bull et al.	424	89
	AB	4,631,191	12/23/1986	Dale et al.	424	88
	AC	4,683,137	07/28/1987	Coggins et al.	424	89
	AD	4,689,224	08/25/1987	Bull et al.	424	89
	AE	4,693,893	09/15/1987	Campbell	424	89
	AF	4,920,213	04/24/1990	Dale et al.	536	27
	AG	6,045,790	04/04/2000	Campbell	424	93.3
	AH	6,177,082	01/23/2001	Dowling et al.	424	209.1
	AI	6,398,774	06/04/2002	Penner et al.	605	514
	AJ	6,436,408	08/20/2002	Dowling et al.	424	209.1
	AK	6,482,414	11/19/2002	Dowling et al.	424	209.1
	AL	2002/ 0156037 A1	10/24/2002	Volkin et al.	514	44
	AM	2003/ 0008000 A1	01/09/2003	Wong et al.	424	450

Examiner Initials		Document No.	Date	Name	Class	Subclass

### FOREIGN PATENT DOCUMENTS

Examiner Initials		Document No.	Date	Name (Inventors)	Class	<u>Translation</u> Yes / No

### OTHER ART

Examiner Initial		(Including Author, Title, Date, Pertinent Pages, Etc.)
	AN	<u>"Diverged Evolution of Recent Equine-2 Influenza (H3N8) Viruses in the Western Hemisphere"</u> by Lai et al., 12/14/2000, <i>Archives of Virology</i> 146 (2001) 1063-1074.
	AO	<u>"Alternate Circulation of Recent Equine-2 Influenza Viruses (H3N8) From Two Distinct Lineages in the United States"</u> by Lai et al., <i>Virus Research</i> 100 (2004) 159-164.
	AP	<u>"WHO/OIE Meeting: Consultation on Newly Emerging Strains of Equine Influenza"</u> by Mumford et al., <i>Vaccine, Vol. 11, Issue 11 (1993) 1172-1175.</i>
	AQ	<u>"Antigenicity and Immunogenicity of Experimental Equine Influenza ISCOM Vaccines"</u> by Mumford et al., <i>Vaccine, Vol. 21, Issue 9 (1994) 857-863.</i>
	AR	<u>"Protection Against a Lethal Influenza Virus Challenge by Immunization with a Haemagglutinin-Expressing Plasmid DNA"</u> by Robinson et al., <i>Vaccine, Vol. 11, Issue 9 (1993) 957-960.</i>

Examiner Initial		(Including Author, Title, Date, Pertinent Pages, Etc.)
	AS	<u>"Protection of Ferrets Against Influenza Challenge with a DNA Vaccine to the Haemagglutinin"</u> by Webster et al., <i>Vaccine</i> , Vol. 12, Issue 16 (1994) 1495-1498.
	AT	<u>"Antibody Responses to DNA Vaccination of Horses Using the Influenza Virus Hemagglutinin Gene"</u> by Lunn et al., <i>Vaccine</i> , Vol. 17 (1999) 2245-2258.
	AU	<u>"DNA Vaccines: Protective Immunizations by Parenteral, Mucosal, and Gene-Gun Inoculations"</u> by Fynan et al., <i>Proc. Natl. Acad. Sci. USA</i> Vol. 90 (1993) 11478-11482.
	AV	<u>"Receptor Binding and Membrane Fusion in Virus Entry: The Influenza Hemagglutinin"</u> by Skehel et al., <i>Annu. Rev. Biochem.</i> Vol. 69 (2000) 531-569.
	A W	<u>"DNA Vaccination Against Respiratory Influenza Virus Infection"</u> by Wong et al., <i>Vaccine</i> , Vol. 19 (2001) 2461-2467.

EXAMINER	DATE CONSIDERED

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance. Include copy of this form with next communication to applicant.